

MAY 07 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

at // o'clock and 15 min. 4 Mj  
SUE BEITIA, CLERK

RANDOLPH J. AMEN, an  
American citizen; "FRISCO",  
a miniature Pinscher  
service animal,

Plaintiffs,

vs.

AOAO CENTURY CENTER, a  
condominium owners  
association, organized  
under the laws of the State  
of Hawaii; STATE OF HAWAII;  
DOES I-XX,

Defendants.

CIVIL NO. 06-00203 ACK-BMK

FINDINGS AND RECOMMENDATION  
TO DISMISS COMPLAINT AND  
ACTION

FINDINGS AND RECOMMENDATION TO DISMISS COMPLAINT AND ACTION

Randolph J. Amen ("Amen"), on behalf of himself and his dog Frisco, filed a Complaint for Defamation, Intentional or Negligent Infliction of Emotional Distress and Civil Rights Violations ("Complaint") against AOAO Century Center and the State of Hawaii on April 17, 2006.

A Stipulation for Partial Dismissal of All Claims Against Defendant AOAO Century Center was filed on December 27, 2006.

Defendant State of Hawaii filed its Suggestion of Death Upon the Record Re: Randolph J. Amen on January 16, 2007

pursuant to Fed. R. Civ. P. 25(a)(1) indicating that Amen passed away on December 29, 2006 during the pendency of this action.


More than 90 days have passed since Amen's death was suggested upon the record and no motion for substitution has been made.

**CONCLUSION**

The court therefore FINDS and RECOMMENDS that the Complaint and this action be DISMISSED.

IT IS SO FOUND AND RECOMMENDED.

DATED AT HONOLULU, HAWAI'I, 5.4.2007.

  
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Barry M. Kurren  
United States Magistrate Judge

Amen, et al. v. AOA Century Center, et al., Civ. No. 06-00203  
ACK-BMK; FINDINGS AND RECOMMENDATION TO DISMISS COMPLAINT AND  
ACTION